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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,298	12/18/2001	Matthew B. Donatucci	ATMI-514	1697

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ATMI, INC.
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EXAMINER

BUEKER, RICHARD R

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/022,298	Applicant(s) DONATUCCI ET AL.	
	Examiner Richard Bueker	Art Unit 1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) 15-24 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 is/are allowed.
- 6) ☒ Claim(s) 1-4,6-14 and 25-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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Claims 1-4, 6-8, 10, 12-14 and 25-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barr (2,447,789) taken in view of Stall (5,336,324) and/or Greer (5,104,695). Barr (Fig. 1) discloses a vaporizer comprising a thermally conductive block having a multiplicity of elongated, vertically positioned wells for placement of a vapor source material, and means for applying heat to the wells. Barr teaches (col. 2, lines 15-22 and col. 3, lines 20-42) that any suitable screening means can be used for preventing the escape during evaporation of particles appreciably greater than molecular size. Stall (see Fig. 17a, for example)) and Greer (Figs. 1-3, col. 1, lines 40-45 and col. 4, lines 10-34, for example) both disclose vaporizers having a screening means for preventing particulates from escaping during processing. Stall and Greer (col. 3, lines 26-37, for example) teach that the screening means should be in the form of a sealing lid that is sealed to the top of the vaporizer container. It would have been obvious to one skilled in the art to modify the vaporizer of Barr for use with particulate screening means of the type taught by Stall and/or Greer, because Barr teaches that his vaporizer can be modified for use with other known particulate screening means, and because Stall and Greer teach that a screening means in the form of a lid that is sealed to the top of a vaporizer container will successfully prevent particulates from escaping from the vaporizer. Regarding the newly added claim 1 limitation of "an openable and closable outlet", it is noted that Stall teaches the use of an openable and closable outlet. It is also noted that this limitation is a recitation of an intended use of the recited outlet and claim 1 does not recite any apparatus structure for

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opening or closing an outlet. The outlet of Greer is inherently openable and closeable to the extent required by claim 1.

Claims 2 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barr (2,447,789) taken in view of Stall (5,336,324) and/or Greer (5,104,695) for the reasons stated above, taken in further view of Tanabe (2001/0008121), who teaches (see paragraph 52) that a thermocouple can be used to measure the temperature of a vaporizer for feedback control of the vaporizer temperature. It would have been obvious to one skilled in the art to use a thermocouple to control the temperature of the vaporizer of Barr, Stall and/or Greer, in view of Tanabe's teaching that a vaporizer temperature can be successfully controlled using a thermocouple.

Claims 11 and 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barr (2,447,789) taken in view of Stall (5,336,324) and/or Greer (5,104,695) for the reasons stated above, taken in further view of Holloway (3,647,197), who teaches (col. 4, lines 4-15) that it was known in the prior art to use aluminum as the material of construction for a thermally conductive vaporizer, and it would have been prima facie obvious to one skilled in the art to use this material for the thermally conductive vaporizer of Barr, Van Slyke and/or Greer, because Holloway teaches that aluminum can successfully be used to construct a vaporizer that requires thermal conductivity.

The specific dimensions of the wells and block interior as now recited in the claims as most recently amended are considered to be prima facie obvious to one skilled in the art in the absence of a showing of unexpected results commensurate in scope with the claims. When a vaporizer block of Barr's design is fitted with a lid such

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as in Greer or Stall, the head space, or space for accumulation of vapors will be much larger than the space 18 referred to in applicants' arguments. Also, it is noted that Barr at col. 2, lines 11-14, makes very clear that the particular dimensions that he discusses are merely exemplary.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Bueker whose telephone number is (571) 272-1431. The examiner can normally be reached on 9 AM - 5:30 PM, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parvis Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Bueker
Primary Examiner
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